IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2667 OF 2005

IN

SUIT NO.2456 OF 2005

Macleods Pharmaceuticals Ltd. ...Plaintiff

vs.

1. Ronyd Health Care Pvt.Ltd
and another. ...Defendants.

Ms.S.Srikrishna i/b. Sonal Doshi & Co., for Plaintiff.

Mr.Ashok Singh i/b. Amol Surve, for Defendant no.1.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2007

P.C.:-

1. This is a notice of motion taken out by the

plaintiff alleging that its registered trade mark has been infringed. The plaintiff also alleges that the defendants are passing off its goods as of the plaintiff. The registered word mark in relation to the pharmaceutical preparation of the plaintiff is "Domizol". The word mark of the defendants also in relation to the pharmaceutical preparation is "Domzole". In the presence of the defendants, an ad-interim order has been passed by the Court on 20.9.2005, that ad-interim order is operating. The defendants have not filed any reply disputing the averments made in the affidavit filed in support of notice of motion and the plaint. In the absence of reply, averments made in the affidavit filed in support of notice of motion and the plaint have to be accepted at face value. It is clear that there is clear phonetic similarity in the two names. considering the guidelines laid down by the Supreme Court for exercising the power of the Court for granting temporary injunction in relation to the pharmaceutical preparation, in my opinion, the plaintiff is entitled to have ad-interim order confirmed. Ad-interim order dated 20.9.2005 is

accordingly, confirmed. Notice of motion is disposed of.